

*\* This document contains discussion topics submitted for the July 10, 2008 meeting of the Charter*

*Revision Commission by the Commission's Attorney.*

## **Newington Charter Revision - Recommendations**

<b><u>Existing Charter Provision</u></b>	<b><u>Proposed Change</u></b>	<b><u>Proposed by</u></b>
101		
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202	<p>Recommendation to eliminate/revise role of Board of Fire Commissioners</p> <p>Recommendation to make Board of Fire Commissioners appointed</p> <p>Recommendation to look into whether Fire Chief should report to Town Manager</p> <p>Recommendation to require Fire Marshall and Fire Chief to be different people</p> <p>Recommendation to change contradictory language that states "shall purchase additional apparatus and equipment when duly authorized"</p>	<p>Various</p> <p>Kevin Ziegler, Fire Commissioner</p> <p>Alan Nafis, Commissioner</p> <p>Jay Bottalico, Town Councilor</p> <p>Ann Harter, Director of Finance</p>
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205	Recommendation to eliminate this section because it does not conform to state law and this area is governed by relevant statute.	<p>Tanya Lane, Town Clerk</p> <p>Justin Clark, Special Counsel</p>
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302	Recommendation to investigate whether Charter should keep language that makes the Mayor the official head of the town for military purposes.	Myra Cohen, Town Councilor
303	<p>“Charter language in Section 303(A)(2) is obsolete at this point, and will have to be changed.”</p> <p>Recommendation to change language so Town Attorney can be a firm instead of an individual</p>	<p>Peter Boorman, Commissioner</p> <p>Paul Fetherston, Former Town Manager</p>
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405	Make sure numbers are “still relevant” and “not significantly different from their intent”	Various
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407	<p>Recommendation that the term “Special appropriations” should be part of the title</p> <p>Recommendation to remove the term “tax anticipation notes”</p>	<p>Myra Cohen, Town Councilor</p> <p>Ann Harter, Director of Finance</p>
408	<p>Make sure numbers are “still relevant” and “not significantly different from their intent”</p> <p>Recommendation that the term “Special appropriations” should be part of the title</p> <p>Recommendation to add that a referendum should be “and such majority consists of ten percent or more of the total number of qualified electors of the Town”</p>	<p>Various</p> <p>Myra Cohen, Town Councilor</p> <p>Myra Cohen, Town Councilor</p>

409		
410	<p>Recommendation to add a comma to Section. Section should read “Electors shall have the right to petition for a referendum in accordance with the Connecticut General Statutes on any ordinance passed by the Council [,] except an emergency ordinance..”</p> <p>Recommendation to include language stating that an ordinance “Shall take effect immediately following the referendum”</p>	<p>Myra Cohen, Town Councilor</p> <p>Myra Cohen, Town Councilor</p>
411	Recommendation to include language stating that an ordinance “Shall take effect immediately following the referendum”	Myra Cohen, Town Councilor
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501	Recommendation to review six month residency requirement for Town Manager	Frank Connolly, Former Town Manager
502	Recommendation to delete the title of Director of Public Safety from Town Manager’s job description	Elaine Boland
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504	Recommendation to add limit to amount of time an Acting Town Manager may serve	Paul Fetherston, Former Town Manager
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603	Recommendation to eliminate “with the concurrence of the Board” from	Paul Fetherston, Former Town

	appointment/removal provision Recommendation to set the number of library directors	Manager Myra Cohen, Town Councilor
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605	Recommendation to eliminate “with the concurrence of the Board” from appointment provision	Various
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607	Recommendation to make town agencies consider environmental impact and refer items to Commission	Philip Block, Chairperson, Conservation Commission
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609	Recommendation to make the Finance Director or Town Manager the Town Treasurer	Various
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611	Recommendation to move appointment of Town Planner from Town Council to Town Manager and move it to Article VII within the Charter.  Recommendation to add qualifications to Town Planner description including: Master’s Degree in city planning or community development; member of the American Institute of Certified Planners or five years of practical experience.  Recommendation to change charter to reflect that Building Official is no longer Administrative Officer	Various  Ed Meehan, Town Planner  Paul Fetherston, Former Town Manager
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613	Recommendation to end tech/admin problems created by holdover status on boards and commissions. “No person shall be deemed to have holdover status upon the expiration of the appointed term and the office shall be vacant until	Ben Ancona, Jr., Town Attorney

	<p>a new appointment is made.”</p> <p>Recommendation to review consecutive term as chair requirements</p> <p>Recommendation to require more full-service of terms</p>	<p>Paul Fetherston, Former Town Manager</p> <p>William Reynolds, Former Mayor</p>
614	Recommendation to investigate why hiring a consultant must be done by ordinance	Myra Cohen, Town Councilor
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702	Recommendation to distinguish between Highway Department and Engineering Department	Ed Meehan, Town Planner (see memo from 6/26 Meeting)
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704	<p>Recommendation to update the duties/role of the Department of Building Inspection</p> <p>Recommendation to add the position of Zoning Enforcement Officer to the Charter and delineate who should act in this role in case of absence of vacancy.</p> <p>Recommendation to clarify language regarding Building Inspector and Zoning Enforcement Officer</p>	<p>Pete Hobbs, Building Official</p> <p>Pete Hobbs, Building Official</p> <p>Ed Meehan, Town Planner (see memo from 6/26 Meeting)</p>
705	<p>Recommendation to change language to read:</p> <p>“The Department of Human Services shall administer and coordinate all forms of public assistance, social and youth services, except those which the Town Council determines shall be administered by other Commissions.”</p>	Ken Freidenberg, Director of Human Services
706	<p>Recommendation to change charter to not specifically refer to exact location of Senior Center in case of desire to move location</p> <p>Recommendation to add language from</p>	Paul Fetherston, Former Town Manager

	§ 705 that the director “shall supervise the Department and shall have such powers and duties as the Council may prescribe and as conferred by the Connecticut General Statutes.”	Dianne Stone, Director, Senior and Disabled Center Services
707	Recommendation to move appointment/removal of position to Town Manager	Paul Fetherston, Former Town Manager
708	Recommendation to remove “elector of the Town” provision from Revenue Collector qualifications  Recommendation to change charter to reflect fact that Purchasing Agent is not supervised by Finance Department  Recommendation to separate the acquisition and approval processes for control purposes	Paul Fetherston, Former Town Manager  Paul Fetherston, Former Town Manager  Ann Harter, Director of Finance
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808	Recommendation to add additional section to clarify that transfers may occur at any time of the year, except for those governed by statute	Ann Harter, Director of Finance
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814	Update \$10,000 level for competitive bidding	Various

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818	Recommendation to review ambiguous language regarding “agent of the town deposit fund”	Ann Harter, Director of Finance
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905	Recommendation to update language to not reference the CMERF	John Salomone, Town Manager
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Bonding	Recommendation to update to charter language with respect to bonding authority (language proposed in March 2008)	Justin Clark, Special Counsel
Voting	Recommendation to have Town Council elected by voting district	Bill Lindberg
Town Council	Recommendation to enumerate when council may vote on certain items	Paul Fetherston, Former Town Manager
Town Council	Recommendation to add stipends for councilors	Rodney Mortensen, Former Mayor
Board of Education	Recommendation to stagger terms of the Board	Various

Board of Education	Recommendation to add provision that Board does not have the right, without specific authorization, to appoint its own attorney	Paul Fetherston, Former Town Manager
Charter Revision	Recommendation to streamline process to encourage more volunteers to serve on a commission	Jeffrey Wright, Mayor
Charter Revision	Recommendation to require Charter Revision commission at least every five years	Various
Town Departments	Recommendation to allow for boards to reduce numbers of members because of difficulties reaching a quorum	Jeff Hedberg, Commissioner, Board of Parks and Recreation
Town Departments	Recommendation to add wording to the charter to allow town to get out of the health district if necessary	Myra Cohen, Town Councillor
Town Departments	Recommendation to possibly add Facilities Department to enumerated list of departments.	John Salomone, Town Manager
Town Departments	Recommendation to have all town and school buildings come under supervision of facilities manager	Jay Bottalico, Town Councillor
Town Departments	Recommendation to put the Joint Committee on Community Safety	Mitch Page, Chairperson, Joint Committee on Community Safety
Town Departments	Recommendation to create a Veteran's Commission	Michael J. Fox
Town Departments	Recommendation to create charter language that provides manager with flexibility to "make changes to the finite lists of departments without a Charter change."	John Salomone, Town Manager
Budget Referendum	Recommendation if budget referendum is proposed. Voter quorum, keep budget calendar the same, limit the number of referenda, have system in place in case budget is not approved by beginning of fiscal year.	Various



Budget Referendum	Recommendation to add budget referendum provision to charter. Recommendation includes proposed language (see proposed language below)	Jeffrey Wright, Mayor
Budget Referendum	Recommendation to use the CPI as a basis for any property tax cap	Dominic Mazzocchi, Former Mayor
Budget Referendum	Recommendation that if a referendum is adopted that it include a petition requirement	Robert Randich, Former Mayor

*Specific Charter language re: referendum proposed by Jeffrey Wright, Mayor:*

**“Section 821. Mandatory referendum on the budget.**

A. Twenty-one calendar days after the adoption of the budget as provided in Section 805 of this charter (“Budget Ordinance”), the Budget Ordinance shall be submitted to the electors of the town for approval or disapproval, at a referendum conducted in accordance with the General Statutes, if the Budget Ordinance’s total expenditures shall cause the tax rate in mills to exceed the total of the tax rate in mills in the current fiscal year’s budget by more than 3% (e.g., if the current fiscal year’s budget produced a mill rate of 30.00 and the proposed budget produces a mill rate greater than 30.90). If, however, the Budget Ordinance is adopted in a budget year when the total assessment reflects the revaluation of any real property in the town from the current year, including any deferred revaluation, the Budget Ordinance shall be submitted to the electors of the town for approval or disapproval, at a referendum conducted in accordance with the General Statutes, if the Budget Ordinance’s total expenditures exceed the total of the current fiscal year’s total expenditures by more than 3%.

B. At least ten calendar days prior to such referendum the council shall cause to be published in a newspaper having circulation in the town a notice of such referendum, setting forth the date on which and the hours during which the referendum will be held and the text of the question as it will appear on the voting tabulators.

C. Additionally, at least ten calendar days prior to such referendum the Town Assessor shall cause to be mailed to each property owner on the most recent Grand List a notice containing only the real dollar value of the Budget Ordinance, its percentage change relative to the current year’s adopted budget, an estimated mill rate for the Budget Ordinance, an estimate of the property taxes that will be owed under the Budget Ordinance for that specific property owner, and the percentage change in the property taxes that will be owed under the Budget Ordinance for that specific property owner relative to the current year’s property taxes that were assessed and/or paid. Such notice shall also contain the date on which and the hours during which the referendum provided for in subsection A will be held. Such notice shall not contain any other information than that specifically provided for in this subsection or in subsection D.

D. The text of the notice provided for in subsection C shall be printed in sixteen (16) point Times New Roman font and shall be in the following form:

“On [date] the Town Council adopted a budget for fiscal year [here insert fiscal year]. Pursuant to Section XXX of the Town’s Charter, below please find information related to that budget.

- The adopted fiscal year [here insert fiscal year] budget totals \$ **[here insert real dollar value in bold type]**.
- This represents a **[here insert percentage in bold type] % [here insert increase or decrease in bold type]** from the current year’s budget. [If no increase or decrease this line shall read “This represents no change from the current year’s budget.”]
- The estimated mill rate for the adopted fiscal year [here insert fiscal year] budget is **[here insert estimated mill rate in bold type]**.
- Your estimated property taxes under the adopted fiscal year [insert fiscal year] budget will be \$**[here insert estimated property taxes owed in bold type]**.
- This represents a **[here insert percentage in bold type] % [here insert increase or decrease in bold type]** in your property tax bill from the current year’s budget. [If no increase or decrease this line shall read “This represents no change in your tax bill from the current year’s budget.”]

On **[here insert date of referendum provided for in subsection A in bold type]** from **[here insert the hours during which the referendum provided for in subsection A will be held in bold type]** there shall be a referendum on this budget.”

E. The general form of question placed on the voting tabulators in accordance with this section shall be as follows: “Shall the Budget Ordinance adopted by the Council on [here insert the date of adoption] be approved? Yes – No.”

F. If the Budget Ordinance is approved by a majority of those electors voting at the referendum, the Council shall forthwith establish the tax rate in mills and the Budget Ordinance shall be deemed adopted and shall become effective upon the commencement of the ensuing fiscal year.

G. If the Budget Ordinance is rejected by a majority of those electors voting at the referendum, the council shall not later than seven calendar days following the rejection of the Budget Ordinance adopt a substitute budget ordinance (“Substitute Budget Ordinance”).

H. Twenty-one calendar days after the adoption of the Substitute Budget Ordinance, the Substitute Budget Ordinance shall be submitted to the electors of the town for approval or disapproval, at a referendum conducted in accordance with the General Statutes, if the Substitute Budget Ordinance’s total expenditures shall cause the tax rate in mills to exceed the total of the tax rate in mills in the current fiscal year’s budget by more than 3% (e.g., if the current fiscal year’s budget produced a mill rate of 30.00 and the proposed budget produces a mill rate greater than 30.90). If, however, the Substitute Budget Ordinance is adopted in a budget year when the total assessment reflects the revaluation of any real property in the town from the current year, including any deferred revaluation, the Substitute Budget Ordinance shall be submitted to the electors of the town for approval or disapproval, at a referendum, conducted in accordance with the General Statutes, if the Substitute Budget Ordinance’s total expenditures exceed the total of the current fiscal year’s total expenditures by more than 3%. The notice required in subsections C and D shall not be required for a Substitute Budget Ordinance.

I. If the Substitute Budget Ordinance is approved by a majority of those electors voting at the referendum, the Council shall forthwith establish the tax rate in mills and the Substitute

Budget Ordinance shall be deemed adopted and shall become effective upon the commencement of the ensuing fiscal year.

J. If the council fails to adopt the Substitute Budget Ordinance within seven calendar days following the rejection of the Budget Ordinance, or if the Substitute Budget Ordinance is rejected by a majority of those electors voting at the referendum as provided in Section H, the council shall adopt a budget and establish the tax rate in mills, except that such budget's total expenditures shall not cause the tax rate in mills to exceed the total tax rate in mills in the current fiscal year's budget by more than 3% (e.g., if the current fiscal year's budget produced a mill rate of 30.00 the mill rate shall not exceed 30.90). If, however, the council fails to adopt the Substitute Budget Ordinance within seven calendar days following the rejection of the Budget Ordinance, or the Substitute Budget Ordinance is rejected by a majority of those electors voting at the referendum as provided in Section H, in a budget year when the total assessment reflects the revaluation of any real property in the town from the current fiscal year, including any deferred revaluation, the council shall adopt a budget and establish the tax rate in mills, except that such budget's total expenditures shall not exceed the total of the current fiscal year's expenditures by more than 3% ("Final Budget Ordinance").

K. The Final Budget Ordinance shall not be subject to referendum and shall become effective upon the commencement of the ensuing fiscal year."

*Conforming amendment to § C-805 to conform with above proposed by Jeffrey Wright, Mayor:*

Eliminate - "The Council shall simultaneously fix the tax rate in mills which shall be levied on taxable property in the Town for the ensuing fiscal year."

Eliminate - "In the event the Council shall fail to fix the tax rate on or prior to the date prescribed, the Manager shall fix said tax rate in mills."

Add - "The budget shall then be submitted to the electors of the town for approval or disapproval as prescribed in Section 821."